

STATE'S REQUEST FOR DISCLOSURE

Criminal Rule 15 – Discovery. When defendant was admitted at hospital under a “John Doe” code name and drugs were found on his person, the State is entitled to a certified copy of the hospital's records showing that the defendant was originally admitted under that code name.

COMES NOW the State of Arizona, and hereby requests that the Maricopa County Hospital be ordered to make available to the State a certified copy of the document or record showing that the defendant's medical records show that his original hospital entrance number was "Whiskey 198". The State avows that this record is pertinent to the above criminal prosecution.

After the defendant was involved in an automobile collision, he was transported to the Maricopa County Hospital for treatment and assigned the entrance number "Whiskey 198." The Health Records employees state that "Whiskey 198" represents a JOHN DOE, and is a name and number assigned to a trauma patient whose identity is unknown at the time. As the patient's identity becomes known, information about the patient's true identity is incorporated into the already-assigned record for that patient. Nurse Bill Betcher of the Maricopa County Hospital drew a sample of the defendant's blood for medical purposes. Later, Nurse S. Gustafsen took a urine sample from the defendant for medical purposes. The blood and urine samples were packaged and labeled "Whiskey 198". Nurse Will Taylor later discovered a plastic bag containing a green leafy substance in the pants pocket of the subject "Whiskey 198." Nurse Taylor confiscated the bag and later turned it over to law enforcement.

The number on the blood and samples and plastic bag, "Whiskey 198," is the same as the number on the medical record for Harun Khalid Pack, the defendant. Analysis of the urine from this vial shows the urine to contain carboxylic acid, a

marijuana metabolite. Analysis of the contents of the plastic bag reflects that it contained 6.3 grams of marijuana, a usable amount. No officer was present during the blood draw, the taking of the urine sample, or the confiscation of the plastic bag to identify that the items were taken from the defendant; however, the labeling "Whiskey 198" shows that the property was, in fact, taken from the defendant Harun Khalid Pack. The State requests this Court to order the Maricopa County Hospital to provide the State with a certified copy of the document or record showing that the defendant's medical records number was in fact "Whiskey 198". The information is not privileged because the State is not seeking any public disclosure of any of the defendant's medical records. The State seeks only to show the connection between the number and the defendant. The medical record number is incidental information and not privileged. *Benton v. Superior Court*, 182 Ariz. 466, 897 P.2d 1352 (App. 1994). The record should be considered as being generated under normal business practice and therefore, it should be discoverable and admissible as a self-authenticated document. Therefore, the State asks this Court to order the hospital to provide the State with a certified copy of the document or record establishing that Harun Khalid Pack was admitted into the hospital under the number "Whiskey 198."